

REMARKS

By this Amendment, claims 12-45 are pending.

In the Office Action of September 9, 2004, the Examiner objected to the Abstract as having reference to "the invention." With this Amendment, a new Abstract has been submitted. The Examiner noted that applicant's claim of foreign priority has not been perfected because a certified copy of the application had not been filed. However, applicant submitted certified copies of two German applications, 203 16 540.3 and 203 13 541.5 on July 9, 2004, along with the signed Declaration. A copy of the date stamped receipt card, attesting to the Patent Office's receipt of these papers and a photocopy of the front page of the submitted documents is enclosed. If the Office has lost these papers, it is respectfully requested that the claim of foreign priority be recognized.

The Examiner rejected claim 10 as having indefinite phrases such as "or" and "or the like." By this Amendment, claim 10 has been cancelled and the new claims do not have such phrases.

The Examiner rejected claims 1-4, 6-8 and 10, as being anticipated by U.S. Patent 6,517,161 (Lo). In addition, claims 4 and 5 were rejected as unpatentable over Lo in view of U.S. Patent 4,265,483 (Raftery et al.). The Examiner relied upon Raftery et al. for disclosing connections between frame members provided with releasable fasteners in the form of a screw. The Examiner reasoned that it would have been obvious to use releasable fasteners with the chair of Lo to selectively disassemble the frame structure without damage.

Claim 9 was rejected as obvious over Lo or U.S. Patent 3,844,612 to Borggren et al. in view of U.S. Patent Publication 2004/0160109 (Bottemiller). The Examiner relied upon Bottemiller for disclosing a cross connecting bow having lower projections

place in upper openings of two struts of a chair for improving head support and overall comfort.

Claim 11 was rejected as being obvious over Lo or Borggren et al. in view of U.S. Patent 6,030,040 (Schmid et al.). The Examiner relied upon Schmid et al. for disclosing a cover consisting essentially of textiles. These rejections, in view of the changes to the claims, are respectfully traversed.

The invention is a piece of furniture, such as a chair or recliner, having two lateral struts with a textile cover in tension between them. To create and maintain the tension in the cover, a cross strut separates the lateral struts from each other. The connector between the cross struts and lateral struts biases the two lateral struts apart by having a connector with at least one beveled surface. When the cross strut is connected to the lateral struts, the beveled surface acts upon another surface, possibly another beveled surface, to urge each lateral strut in a direction away from the other lateral strut. By simply tightening the connector, tension is increased. This is in contrast to more complicated tensioning devices disclosed in U.S. Patent 3,289,220 (Grimshaw) and 6,604,792 (Picard).

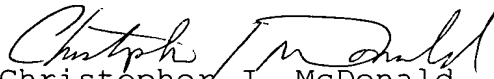
Each of the independent claims recites a limitation regarding the cross struts role in creating and maintaining tension in the cover. The primary reference used by the Examiner, Lo, does not disclose a structure for tensioning the cover and Raftery et al., while disclosing releasable fasteners for connecting elements of a piece of furniture, does not disclose a structure for applying and maintaining tension in the cover. The remaining patents of record do not disclose the limitations of the pending claims.

The claims are allowable and favorable action is eagerly and earnestly solicited. If any issues remain and the Examiner believes that a telephone conversation would resolve such issues, the Examiner is urged to contact the undersigned attorney.

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If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,


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